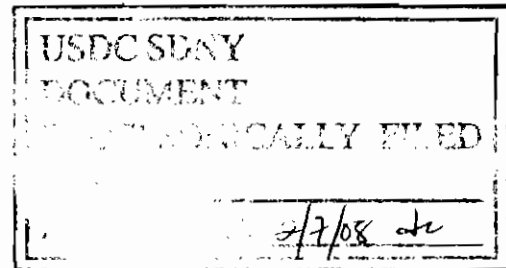


UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK



-----X  
JOSEPH PROCIDA, derivatively on behalf of  
Washington Mutual, Inc.,

Plaintiff,

-against-

Case No. 08 Civ. 00565 (BSJ)

KERRY K. KILLINGER; STEPHEN ROTELLA;  
THOMAS W. CASEY; JAMES B. CORCORAN;  
JOHN F. WOODS; ANNE V. FARRELL;  
STEPHEN E. FRANK; THOMAS C. LEPPERT;  
CHARLES M. LILLIS; PHILLIP D.  
MATTHEWS; REGINA T. MONTOYA;  
MICHAEL K. MURPHY; MARY E. PUGH;  
WILLIAM G. REED, JR.; ORIN C. SMITH;  
JAMES H. STEVER, and JOHN DOES 1-10,

Defendants,

-and-

WASHINGTON MUTUAL, INC.,

Nominal Defendant.  
-----X

**STIPULATION AND  
[PROPOSED] ORDER**

IT IS HEREBY STIPULATED AND AGREED by the undersigned counsel that the time within which defendants may answer, move against or otherwise respond to the Complaint in the above-captioned action is extended to and including the later of: (i) sixty days from the date of this Order; or (ii) thirty days from the date the United States Judicial Panel on Multidistrict Litigation rules on the pending motion to transfer this action to the U.S. District Court for the Western District of Washington; *provided, however*, that if any amended or superseding complaint is filed prior to the expiration of the time limits set out in clauses (i) and (ii), defendants shall have at least thirty days from the date of filing of any such amended or superseding complaint; and

IT IS FURTHER STIPULATED AND AGREED that each named defendant herein (except the “John Doe” defendants) accepts due service of process as of the date of this Stipulation.

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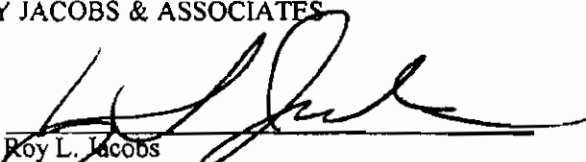
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No prior extensions of time have been granted in this matter, and all parties consent to this request.

Dated: February 5, 2008

ROY JACOBS & ASSOCIATES

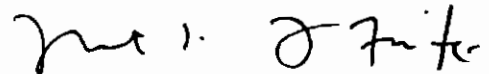
By

  
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*Attorneys for Washington Mutual, Inc. and for  
all other Defendants for the limited purpose of  
entering into this Stipulation.*

IT IS SO ORDERED.

